

ELECTRONICALLY FILED
4/27/2016 5:29 PM
2016-L-004257
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PAGE 1 of 9
CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
LAW DIVISION
CLERK DOROTHY BROWN

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

FORREST GODFREY,

Plaintiff,

vs

MENARD, INC., and MIKE MESKE,

Defendants.

NO.:

COMPLAINT

NOW COMES Plaintiff, FORREST GODFREY, by his attorneys, KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR, P.C., and for his complaint against Defendants, MENARD, INC., and MIKE MESKE, states as follows:

COUNT I

(Negligence - Menard, Inc.)

1. Plaintiff was at all times a customer in the plumbing department at a Menards store at 6100 East Avenue, Hodgkins, Cook County, Illinois, 60525.
2. Defendant was at all times a corporation that owned, operated, and controlled the store at 6100 East Avenue, Hodgkins, Cook County, Illinois, 60525.
3. Prior to the occurrence, Defendant placed several laundry tubs for display on an elevated shelf in the plumbing department of the Hodgkins store.
4. On 6-28-14, while shopping in the Hodgkins store, Plaintiff visually examined one of the laundry tubs placed by Defendant for display on the elevated shelf.



5. During the course of that inspection, Plaintiff reached up and pulled the sprayer out in a normal fashion.

6. As Plaintiff pulled the sprayer, the laundry tub fell from the elevated shelf and onto Plaintiff.

7. Defendant had a duty at all times material herein to maintain its property in a reasonably safe condition and to exercise reasonable care in displaying the laundry tubs.

8. Defendant was negligent both before and at the time of the occurrence in one or more of the following respects:

- a. Failed to properly and securely display the laundry tub;
- b. Failed to secure the display tub to the elevated shelf;
- c. Failed to adequately inspect the laundry tub and the display to make sure it was safe and secure;
- d. Failed to warn customers that the laundry tub could fall if the sprayer was examined;
- e. Failed to warn customers not to pull the sprayer;
- f. Failed to warn customers that touching the sprayer would be dangerous or unsafe; and
- g. Displayed the tub on an elevated shelf.

9. As a direct and proximate result of the negligence of Defendant and the fall of the laundry tub, Plaintiff sustained severe, disabling injuries to his muscles, bones, and nervous system. He experienced pain and will in the future experience further pain and suffering from the injuries. He incurred expenses for necessary medical care, treatment, and services and will in the future incur further similar expenses. He lost time and wages

ELECTRONICALLY FILED
4/27/2016 5:29 PM
2016-L-004257
PAGE 2 of 9

from his employment and will in the future lose additional time and wages. Because of the injuries, he has been prevented from participating in the enjoyments of living common to all people.

WHEREFORE, Plaintiff, FORREST GODFREY, prays for judgment against Defendant, MENARD, INC., in a sum in excess of \$50,000.00, plus costs of this suit.

COUNT II
(Negligence - MIKE MESKE)

1. Defendant was at all times the manager of the Menards store at 6100 East Avenue, Hodgkins, Cook County, Illinois, 60525.

2. As manager of the above store, Defendant was at all times an employee of Menard, Inc., and was at all times acting within the course and scope of his employment with Menards.

3. Plaintiff was at all times a customer at the above store and was shopping in the store at the time of the occurrence hereinafter alleged.

4. Prior to the occurrence, Defendant placed several laundry tubs for display on an elevated shelf in the plumbing department of the Hodgkins store.

5. On 6-28-14, while shopping in the Hodgkins store, Plaintiff visually examined one of the laundry tubs placed by Defendant for display on the elevated shelf.

6. During the course of that inspection, Plaintiff reached up and pulled the sprayer out in a normal fashion.

ELECTRONICALLY FILED
4/27/2016 5:29 PM
2016-L-004257
PAGE 3 of 9

7. As Plaintiff pulled the sprayer, the laundry tub fell from the elevated shelf and onto Plaintiff.

8. Defendant had a duty at all times material herein to manage the store in a reasonably safe manner and to maintain the store and its facilities in a reasonably safe condition.

9. Defendant was negligent both before and at the time of the occurrence in one or more of the following respects:

- a. Failed to properly train employees regarding product display and placement;
- b. Failed to properly supervise store employees regarding product display and placement;
- c. Failed to establish and enforce adequate policies and procedures regarding product display and placement;
- d. Failed to properly and securely display the laundry tub;
- e. Failed to secure the display tub to the elevated shelf;
- f. Failed to adequately inspect the laundry tub and the display to make sure it was safe and secure;
- g. Failed to warn customers that the laundry tub could fall if the sprayer was examined;
- h. Failed to warn customers not to pull the sprayer;
- i. Failed to warn customers that touching the sprayer would be dangerous or unsafe; and
- j. Displayed the tub on an elevated shelf.

ELECTRONICALLY FILED
4/27/2016 5:29 PM
2016-L-004257
PAGE 4 of 9

10. As a direct and proximate result of the negligence of Defendant and the fall of the laundry tub, Plaintiff sustained severe, disabling injuries to his muscles, bones, and nervous system. He experienced pain and will in the future experience further pain and suffering from the injuries. He incurred expenses for necessary medical care, treatment, and services and will in the future incur further similar expenses. He lost time and wages from his employment and will in the future lose additional time and wages. Because of the injuries, he has been prevented from participating in the enjoyments of living common to all people.

WHEREFORE, Plaintiff, FORREST GODFREY, prays for Judgment against Defendant, MIKE MESKE, in a sum in excess of \$50,000.00, plus costs of this suit.

COUNT III

(*Res Ipsa Loquitur* - Menard, Inc.)

1. Plaintiff was at all times a customer in the plumbing department at a Menard's store at 6100 East Avenue, Hodgkins, Cook County, Illinois, 60525.
2. Defendant was at all times a corporation that owned, operated, and controlled the store at 6100 East Avenue, Hodgkins, Cook County, Illinois, 60525.
3. Prior to the occurrence, Defendant placed several laundry tubs for display on an elevated shelf in the plumbing department of the Hodgkins store.
4. On 6-28-14, Plaintiff was shopping for a laundry tub in the Hodgkins store.
5. At the above time and place, Plaintiff visually examined one of the laundry tubs placed by Defendant for display on the elevated shelf.

ELECTRONICALLY FILED
4/27/2016 5:29 PM
2016-L-004257
PAGE 5 of 9

6. During the course of that inspection, Plaintiff reached up and pulled the sprayer out in a normal fashion.

7. As Plaintiff pulled the sprayer, the laundry tub fell from the elevated shelf and onto Plaintiff.

8. Pulling out the sprayer of a laundry tub while making a buying decision is a usual and expected act that occurs in the normal course of events in shopping for a laundry tub.

9. As a result of the accident, Plaintiff sustained injuries to his left shoulder.

10. Prior to 6-28-14, Plaintiff did not have any injury to his left shoulder.

11. The injuries sustained by Plaintiff were caused by an instrumentality within Defendant's control or management at the time the injury and/or negligence occurred.

12. The injury is one that normally does not occur without negligence in the control or management of the instrumentality.

13. Defendant had a duty at all times material herein to maintain its property in a reasonably safe condition and to exercise reasonable care in displaying the laundry tub.

14. As a direct and proximate result of the negligence of Defendant, Plaintiff sustained severe, disabling injuries to his muscles, bones, and nervous system. He experienced pain and will in the future experience further pain and suffering from the injuries. He incurred expenses for necessary medical care, treatment, and services and will in the future incur further similar expenses. He lost time and wages from his employment

ELECTRONICALLY FILED
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2016-L-004257
PAGE 6 of 9

and will in the future lose additional time and wages. Because of the injuries, he has been prevented from participating in the enjoyments of living common to all people.

WHEREFORE, Plaintiff, FORREST GODFREY, prays for judgment against Defendant, MENARD, INC., in a sum in excess of \$50,000.00, plus costs of this suit.

KINNALLY FLAHERTY
KRENTZ LORAN HODGE & MASUR, P.C.

/s/ Patrick M. Flaherty

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PAGE 7 of 9

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vs

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Defendants.

NO.:

DAMAGES AFFIDAVIT

The total of money damages sought in this case exceeds fifty thousand dollars
(\$50,000.00).

KINNALLY FLAHERTY
KRENTZ LORAN HODGE & MASUR, P.C.

/s/ Patrick M. Flaherty

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PAGE 8 of 9

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Defendants.

NO.:

JURY DEMAND

Plaintiff, FORREST GODFREY, hereby demands a trial by a jury of 12 persons.

KINNALLY FLAHERTY
KRENTZ LORAN HODGE & MASUR, P.C.

/s/ Patrick M. Flaherty

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PAGE 9 of 9

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